THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

W.P.NO.16315 OF 2000

Between:

Machilipatnam Pig Farmers Welfare Association

.. Petitioner

and

The Machilipatnam Municipality

.. Respondent

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

W.P.NO.16315 OF 2000

ORDER:

Assailing the action of the respondent in taking steps to kill and destroy the pigs of the farmers of Machilipatnam town, without providing any alternative accommodation and facilities, the petitioner-Association filed the present writ petition.

The petitioner claims that it submitted a representation in November, 1999 to the respondent to provide a suitable place for locating the pig establishments. The case of the petitioner is that despite the directions issued by the District Collector to that effect, the respondent has not taken any action. The petitioner submits that some of the pig farmers filed W.P.No.11990 of 1990 and this Court, through orders, dated 05.09.1990, disposed of the writ petition with a direction to the authorities concerned to identify the places outside the limits of the cities, towns and villages for locating the pig establishments. The grievance of the petitioner is that without issuing any notice and without providing any opportunity of being heard, the respondent is now insisting them to remove and destroy the pigs. Hence, he seeks directions to the respondent in this regard.

The respondent filed the counter-affidavit. It is stated that under Section 255 of the A.P. Municipalities Act, 1965, the Commissioner has got power to destroy the stray pigs and dogs to save the public from J.E. cases and to that effect a notice was given to all the owners of the pigs to keep their pigs 5 K.M. away from the city limits, if they failed to do so, the respondent would take necessary steps to eliminate the pigs. It is further stated that the Government, in its memo, dated 10.05.2000, issued instructions to all the District Collectors and Municipal Commissioners in the State to take action for providing rehabilitation scheme to the pig rearers and also to eliminate the pigs from municipal limits. It is also stated that though the authorities concerned provided rehabilitation scheme near Karagraharam, the pig rearers have not followed the instructions and they have been, as usual, allowing their pigs into municipal limits and causing inconvenience.

Recording the submissions in the counter-affidavit and in view of the steps taken by the respondent, no further orders need be passed in this writ petition.

The writ petition is accordingly dismissed, under the circumstances no order as to costs.

27.07.2005

ksld